

REMARKS/ARGUMENTS

Applicant responds under 37 C.F.R. § 1.116 to the Final Office Action issued April 2, 2009. A separate request for a three-month extension of time accompanies this response.

Applicant apologizes for any possible misunderstanding regarding the necessity of a new search. This Amendment is being filed with a Request for Continued Examination.

Claims 1 through 5 are pending in the application after the present amendment. Claims 1 through 5 were rejected in the Office Action. Claim 1 is amended.

Claims 1 through 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schwartz (U.S. Patent No. 5,997,062). Applicant respectfully traverses this rejection and requests reconsideration.

Applicant amends Claim 1 to define the element “the roof of the cage as having a wedge-shaped configuration operable,” with the supplemental phrase “when viewed from the rear of the cage.” This element is supported by the specification and Figures 2 and 3. As explained in the specification, the wedge-shaped configuration of the roof drives the ball 3 over the threshold formed by shoulders 35 facilitating the ball retrieving action of the tool. See, Specification, page 4, lines 1-6.

These recitations of Claim 1 are not disclosed in Schwartz. Specifically, as shown in Fig. 1 of Schwartz, the roof of the cage has substantially rectangular configuration when viewed from the rear of the cage. Accordingly, this roof cannot drive the ball or facilitate its retrieval.

Claims 1 through 5 were further rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson (U.S. Patent No. 6,695,370).

Similarly to Schwartz, however, Johnson fails to disclose that the roof of the cage has a “wedge-shaped configuration,” as required by the amended Claim 1. Instead, Johnson discloses a retrieval device which also has a substantially rectangular shape when viewed from the rear of the cage. See, Johnson, Fig. 1.

Applicant continues to reply upon his explanations in support of patentability as presented in the amendment of December 19, 2008. Withdrawal of the two rejections is requested.

The Examiner inquired into the accuracy of the recitation in Claim 4 of “rotated 180 degrees.” The Applicant confirms that this recitation is correct.

The tool is rotated 180 degrees about the “Geometric Axis 10,” which is the longitudinal axis of the handle. This rotation permits the captured ball to be “picked up.” An annotated copy of Figure 4 is provided to illustrate the rotation. The annotated figure is not a substitute drawing.

Favorable reconsideration of the rejections and allowance of all pending claims are requested.

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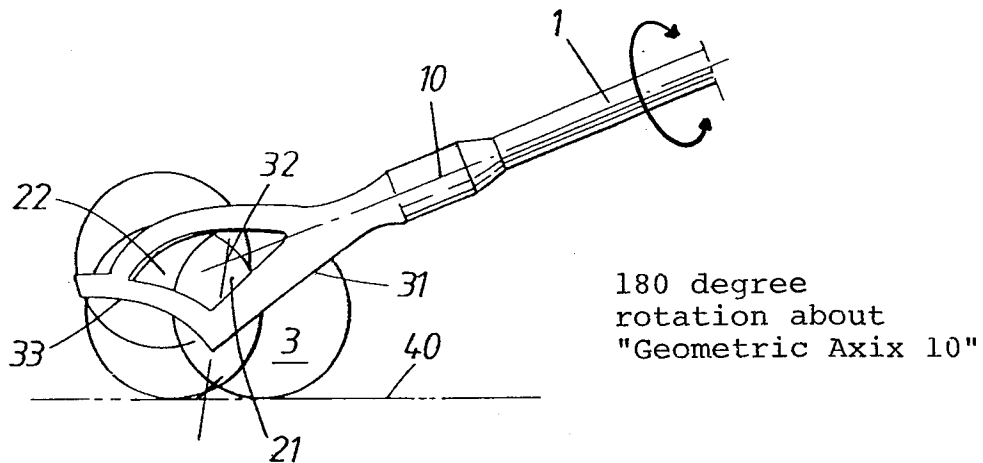
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert C. Faber", is written over a horizontal line.

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Fig. 4



U.S.S.N. 10/574,425

This sheet illustrates claim 4.

This sheet is NOT a substitute drawing.